

Cover letter to Pre-Application Meeting

We have tried to be very detailed about the issues facing this property and how the City can help us preserve the unique qualities of this property and allow us to develop it into a single family residence and not a massive subdivision of small lots that plague both sides of this property.

Address of Lot(s):

8331 NE Juanita Dr, Kirkland WA 98034

Legal Description:

LOT B & LOT C of Plat of Juanita Point, A residence Park, Recorded in Volume 25 of Plats, page 27 Records of King County, Washington

History of Property:

Up until 2007 this property was still the same size property it was when it was first platted back in the 1920's. It has since been subdivided but we have managed to purchase 2/3 of the property back and desire to keep it as one property for our use and enjoyment, read on.

LOT B & C are actually part of a Testamentary subdivision that took place in 2007 after the previous owner of the property for the past 74 years passed away. This property was used by the family as primarily as a summer vacation property for the parents and their three children. LOT A still has the original cottage on it. Around 1981, the parents bought a house that was scheduled for demolition on the Medina Waterfront, north of Medenbauer Bay and had it barged up to this LOT C and put on a new foundation. The youngest daughter raised her family in this house and the parents visited during the summer months but spent most of their time in California. The parents paid for all the upkeep and taxes on the house until the last one died in 2007 and then the property reverted to their three children.

About 10 years ago the septic system for the original cottage at the back of the property near Juanita Drive (currently situated on LOT A) failed and a new system was put in on what is now LOT B. Up until 2007, all three lots A, B & C, were only known as one continuous lot and not subdivided.

The father died over 10 years ago and the mother passed away in 2007. In her living trust she had directed the estate to divide the property into three LOTS and had a surveyor complete a preliminary drawing of such subdivision prior to her death. Normally when you subdivide a property, the local sewer district or City would have checked on the status of easements for sewer systems or perhaps require that LOT A connect to the public sewer system, if available, but in the case where the subdivision is by Testamentary direction, this has to be ignored.

In the testamentary subdivision, the trust gave each one of their three children one of the three new subdivided LOTS. Their only son, who lives in Southern California and is around 74 years of age received LOT A and has no intention of living on that LOT and listed the lot for sale last year but took the property off the market in October and is planning to relist any time now.

LOT B (vacant land) went to the oldest daughter who lives, in Northern California, and she requested that the lot be willed to her son as the owner and bypass her so the trust made that change before the

mother died. The son lives and works in Maryland and had no intention of living in Washington State and decided to list said property last April but for some reason did not close on a sale due to a couple failed feasibility studies which became a bit clearer later on to me. We purchased this property directly from him last week. We paid too much for it but for reasons below we felt it was necessary.

LOT C went to the youngest daughter who is now 64. She was possibly the favored child in this trust arrangement because she actually remained in the state, married a UW professor and had two daughters that grew up on this property. The parents willed her the waterfront property lot, known as LOT C which is the also the largest of the three subdivided lots and well over five times more valuable than the other lots. The real estate market was not very good in late 2007 and none of the three children felt that they could afford the real estate taxes on each property so they held off selling their individual lots until last year when the real estate market had recovered. All three lots went on the market about the same time with different real estate people.

Due to deed restrictions placed on the three properties including tree removal except for construction, utilities, access points and no further subdivisions, they had problems with selling to developers and so the properties did not sell until we came around to purchase LOT C. We were concerned about the access across LOT B and if a developer bought the property we would have a hardship trying to have access with the existing easement in place. We made an offer to purchase LOT B recently. The family accepted our offers because we were not going to over develop it and we were not developers.

The owner LOT A who lives in California, is anxious to relist his property except there are some problems that were uncovered recently involving the easements across his property that may affect the future development of the property that no one was aware of until I started to research the access driveway through LOT A to get out to the Juanita Drive.

When the three children inherited the three lots, it was stipulated in the testamentary trust that each property owner and successor owners were to grant reciprocal easements for access and utilities crossing the properties to each lot. It referred to the northerly boundary line were a 10 foot easement would exist for this access and utilities. No one except perhaps the youngest daughter who was the executrix of the estate suspected that what was written was not what was detailed in an exhibit attached to the reciprocal easements. It stated that the true 10 foot easement would follow the existing road that went from the house on the waterfront across LOT B and switch back across LOT A's lower portion of the property before leaving LOT A. The most level building site on LOT A is where the driveway easement intersects LOT A rendering this portion of the lot difficult to build on.

The drain field and sewer system for LOT A's cabin is actually now situated on what is now the western boundary line of the buildable portion of LOT B (assuming one would not take down four big fir trees in (45+ inches in diameter) on the eastern portion of LOT B. The previous owner of LOT B did not know this because he last visited the property over 25 years ago and before the previous septic system failed and they moved it further down the contiguous property (before subdivision). LOT A Owner did not apparently read the access easement when signing it back in 2007 to see that his younger sister kept the driveway intact and did not want to relocate her water line and driveway through her brother's lot.

LOT B & C are relatively flat lots with the greatest slope being approximately 8% for about 30 feet on the West boundary line of LOT B. Very hard to find these flat lots on Lake Washington that are so deep.

So we are sorting all this out and want to accomplish five items over the next year in development of LOT B & C;

1. clear property of excessive black berry bushes,
2. install sewer lines,
3. build a garage,
4. build a dock and
5. build a house.

Overview of each project:

1. Clear 74 years of Blackberry vines and heavy underbrush. No grading, dirt moving or tree removal, eight 40 yard dumpsters of vegetation removed. Silt fence, hay bales and rodent control preformed. Not one single rodent was found. Previous owners had a big rodent problem due to their crawl space under the house on LOT C and had been diligent in recent years in maintaining a rodent free property. (This project is now complete as of this week) Permit was filed two weeks ago because there was a small chance that we might be within the 200 foot shoreline set back area for some of the vegetation removal. Christian Geitz from the City of Kirkland was out to the site 2/12/2015 to talk with the owner present and inspected the scope of this clearing project.
2. Install sewer lines for LOT A and LOT B (LOT C is already hooked up to public sewer line). LOT A as mentioned is going on the market soon and we have the full cooperation of the owner to hook his existing septic system to the public system (at our expense) as well as abandon our right to use the existing access point that switch backs across his property and move the easement to the northerly side of his lot as was assumed to be the case but was not. This is also at our expense to put in a new water line and driveway too. It is a WIN for him and a WIN for us because we are getting a 20 foot easement across his lot to have emergency vehicle access and a straight on driveway. We also get to reclaim a very large buildable portion of LOT B that does not have very large trees on it and we can remove the drain field after King County approves decommissioning the old septic system.

The only problem is that we will lose this opportunity to make these changes and it will delay putting in a new driveway should someone purchase LOT A sooner than later before we are ready to put in the sewer line, utility and driveway access point. If the new potential owners decided to just keep the existing cabin on the property we would not have any leverage to remove the drain field and we certainly cannot use the existing switch back because it is too tight to turn a full size car let alone a Medic one or fire truck down the driveway. We ask the City of Kirkland to expedite any required permits to accomplish getting the sewer lines installed across LOT C and B up to LOT A.

We were told by the person running the desk at the planning department as well as the building department that this was a Kirkland Utility department issue. When we spoke to the Utility department they said as did the planning staff person that no permit was needed from Kirkland and that we had to go to the Northshore Utility District office for residential sewer installation. So we did and have already paid for the two permits and connection fees totaling \$14,500 as of two weeks ago and the permits are ready to pick up. The approved contractor was all but ready to start digging and then we were notified by the Kirkland Planning Department as of Friday that we got bad advice apparently from their own department and that we did have to have a Land

Surface Modification Permit. Time is very critical right now to get this permit and we cannot wait for this to be brought up in a Pre Application Meeting and need to act on this now.

We will also be running electrical, gas, water, cable and telephone in the same trenching (taking into account separation requirements) activity from Juanita Drive down through LOT A, B to C while we are digging up the existing driveway and avoiding all the tree roots on the property.

3. Build a 50 x 60 foot steel garage building in back of LOT B (in the same area as the drain field for LOT A exist. The timing of building this garage is sooner than later so that we can eventually move our RV, trucks, boats and storage into this garage and then start building a new house on LOT C. We are ready to start the design phase of this building and have enclosed a picture of the wire frame of said garage and rough dimensions of garage with this packet.



- Issues we are aware of:
 - Code does not allow for garages without houses on the same residential property. We were going to build the garage on LOT C in the back south westerly corner but that would have meant destroying over 40 percent of the root structure of the four very large fir trees (40 to 55 inches in diameter) on the adjoin boundary line of LOT B and creating a situation where these trees might become major hazards and fall over in a wind storm since the prevailing wind comes from the same side as the garage foundation would be on. Even with the 10 foot setback requirement on the front of LOT A, we would still be in 40 percent of the drip line of the trees. These are very gorgeous trees and we have spent a lot of money in trimming them up of all the 'widow makers' and dead wood in them. Eagles occasionally sit up on top of the tallest one. These trees can clearly be seen from the Juanita Park at the head of the bay as well as from an Arial photo from three miles up such as google and Bing maps. No other privately owned property on Kirkland's waterfront have so many old trees like these and they are healthy at this point.
 - Code limits the size of any non-attached to something like 2100 square feet on LOT B that is a total of 16,400 sq ft. LOT C is approximately 21,600 sq ft and if

did away with the subdivision of these two lots and combined them, then I would be well within the 3000 sq ft garage I would like to build.

- So we are asking that the city allow us to do one of two things or maybe both:
 - Lot line adjustment or elimination to adjoin the garage with the house, but not extending the shoreline set back by 20% of the greater depth of LOT C and B together and pushing the new house we are planning on from 32 feet to 60 feet (maximum under the Code) and or
 - Variance to build the garage on said LOT B without a residential house on same lot so we do not have to deal with the shoreline set back for the new house on LOT C
 - Or build the house first then do a lot line elimination and include the entire size of the combined lot of approximately 38,000 sq ft in the garage calculation. The only problem with this alternative is that we are not in the position to pay for both a house and garage at this point and we can live in the existing house for a while and have the new garage to store all of our stuff while building later. We are about a year away from being able to afford the house.
- The City wins by keeping the very unique trees intact and coming down because we will have to under the existing code, do a lot line adjustment and make LOT B smaller in the back and pick up a few extra feet to put in the garage we want that will extend over into the place where the four big trees are. This would seem pretty stupid but I have no idea how badly Kirkland wants to preserve the trees versus giving us a variance. We have no intention of subdividing these lots again. The size of this lot with the 154 feet of running beach and in excess of 300 feet of depth make this a very unique property. We are building a rambler style house so it will have a low profile to the property and the garage we want to build can be built into the hill side in the front of LOT B so it will not be standing out that much.
- We also now have a lot of property to put the size and location of driveways and utilities in that allow us to go around root structure of trees on the north property boundary and ignore the old 10 foot easement.
- We would suggest that the City staff reviewing this letter take a walk out on the Juanita park pier and gaze over to the tip of homes point and you will see nothing but a line of trees going from the lake to the Juanita Drive, right on the point before you look off to the Seattle Skyline. All of those trees you see are on our property. I took this walk a couple of days ago and it was a pretty profound site. The rest of the lake front is pretty well denuded of trees except for our property that was maintained that way for 74 years by the same owners and we would like to carry that on for the next 20 or so years.

4. Build a Dock. Not just a normal dock but a dock that gets to a depth of at least 6 feet at inside end of the 'ELL' along with to inside moorage piers. Juanita Bay is very shallow but at the location of our property we start getting a little more depth but along with that we get some very big waves from storms and wind. We have a boat that we keep moorage for in a boat house in Everett. It draws 6 feet from the water line to the Keel. It is a trawler style hull and it weighs 90,000 lbs. 6 feet would be the minimal depth required and that would be marginal during the winter months. During the summer the water level would be higher by a foot or two so at 7 to 8 feet it would be fine. We really don't intend to keep the boat tied up to this future dock for extended periods of time due to the maintenance issues with teak and the weather.

The dock needs to be built very strong so we would be using 8 to ten inch steel pilings. The walkway could be 4 feet wide and we would prefer 6 feet for the 'ELL' at the end that would need to be about 60 feet long heading south and into the wind waves. The two moorage pilings would be on the inside of the 'ELL'. We have done depth analysis along the shore line and at 95 feet out we are at 6 feet in the summer high water depths and at 150 feet we are at 8 feet of depth. So during the summer the moorage depth would permit being on the inside of the 'ELL' and during the winter it would be just deep enough to drop off and load the boat but not advisable to leave it moored with just fender on the outside of the dock without moorage pilings to hold it off the dock during storms. That is fine with us because we would only bring the boat down during the summer months when the water level is higher.

We realize that the Fisheries and Army Corp will have a say in this too, but this is about what City would consider. We are prepared to make concessions on the shore line to mitigate ecological functions of putting the dock in of this size. We have as a straight line measurement, 145 feet of shore line but because it has portions of the property that stick out further than this boundary line, it is actually around 154 feet of waterfront. It is all 1 to 3 man boulders lining the shoreline. None of the rocks touch the water during the winter months when the lake is lower and for most of the runs of the endangered Chinook salmon, take place during this lower water level. We would entertain removing a portion of this rockery and putting in features that made economic and ecological sense to help the shore line.

One of the issues that would play into this would be the sewer easement running across the front of the shoreline. As far as we can tell, the public sewer line runs just a few feet under our yard and just behind the existing rockery for about half of the shore line. There are a few areas property that are beyond this sewer easement that could be removed and in place put a beach of some type. We have studied your code and it seems like our property is a candidate for a nearly flat beach and nearly flat front yard that allows for many options. Just take into account the sewer line. The sewer line is in no way, in the way of building a dock or a house on the property as Christian Geitz of the City of Kirkland suggested in an email on 2/13/2015 might be the case. It is in the way of removing the existing rockery for most of the southerly half of the property line. See the attached topography of the property to see where the location of the sewer line.

5. Replace existing house on LOT C with new constructed house. This will be a complete demolition and not a remodel. The new house would be situated outside of the shore line set back line that we understand to be 20% of the depth of the property in 5 different points of equal spacing stating at the side lot lines. The issues raised in the previous thread regarding building the garage and how to do that with the adjoining LOT B and the preservation of some very big and old trees is an obstacle to the code regulations. We desire to be able to place the house slightly closer to the lake than the existing home on the LOT C but behind the estimated average depth of 32 feet behind the water ward side of the rockery along the shore line where the City's OHWM is located. I have included a scale map of this house placement showing more than this 32 foot setback. The issues are running into is that designing a house that is narrow enough to fit like the existing house is difficult without going wider.

If we could work with the existing house we would but it is single pane windows, lacks insulation and was built in 1950 and barged to this property from another point on the lake in 1980 and then shoe horned in between two very large trees in the front and back of the house. The tree

on the lake side lost 40 % of its root structure under the drip line to the foundation and it very stressed. Almost ¾ of the branched on the house side are dead wood and the tree in general is a lighter color than the other fir trees around the property. We have already had an arborist look at it and tell us that the existing house is doing it no favors. The large tree to the front door side is very health but it is a very dangerous tree that has two tree coming out of the same trunk about 15 feet up from the ground and is a potential candidate to split some day and it would definitely do a lot of damage no matter where it fell. We would be using our two tree removal permissions to remove both trees if we were to build a new house in the coming year because the rambler style home we are building would still take a bit more root structure than is already compromised with the existing house. We tried. But we are determined to keep the willow and other large fir to the south of the new house so we are pushing the house back more than the required minimum 32 or so feet from the shore line. At about 40 feet back we start to get into the side yard setbacks and the side sewer easement that exist for the property owners of LOT A and B.

So that is the list of four objectives we have for our plans to this property. As of now, with the unexpected purchase of LOT B in order to have a larger access driveway across said property and to build a garage that did not interfere with the large trees we want to preserve, we don't have the \$150,000 to build a dock let alone any mitigation we might have to do. We are also short on the house budget too because of LOT B. We have the money to build the garage on LOT B and do the sewer lines up to LOT A. We are hoping to figure out a way to start building the house in the fall of this year but that depends upon how much it will cost and where we can cut some corners but still end up with a good house that fits the look of the property. We are not interested in a big contemporary house like some of our neighbors have. We are going for the English Cottage look. If my wife could have her thatched roof it would happen but that is probably out of the price range.

When all is said and done we want to see big trees, botanical garden, unassuming English cottage, and a pretty nice looking garage in the shape and an 'American Barn' or also known as a 'Monitor Building' that will blend into the slope of the property.

We look forward to meeting with the City of Kirkland to help us navigate through these projects.

Dallas and Janet Evans